

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 07-0627-03E
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For use by Office of Administrative Law (OAL) only

2007 JUN 27 PM 1:12

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California State Board of Forestry and Fire Protection

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER (916)	FAX NUMBER (Optional) (916)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emergency Notice for Maintenance of Fire Lookouts and Emergency Commun	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT 1052.5
	AMEND 895, 895.1, 1052, 1052.1,
	REPEAL 14 CCR

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
<input type="checkbox"/> Print Only	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Other (specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))		
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)

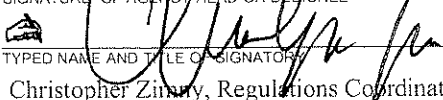
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input checked="" type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Christopher Zimny	TELEPHONE NUMBER (916) 653 9418	FAX NUMBER (Optional) (916) 653 0989	E-MAIL ADDRESS (Optional) chris.zimny@fire.ca.gov
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 6/15/07
TYPED NAME AND TITLE OF SIGNATORY Christopher Zimny, Regulations Coordinator, California Department of Forestry and Fire Protection	

Emergency Notice for Maintenance of Fire Lookouts - 2007

[Notice to Public June 19, 2007]

New Language

~~Deleted Language~~

Amend 14 CCR § 895 - Abbreviations Applicable Throughout Chapter

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CAL Confidential Archaeology Letter

CAL FIRE California Department of Forestry and Fire Protection

CCR California Code of Regulations

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Amend 14 CCR § 895.1 - Definitions

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Effects means effects and impacts as defined in 14 CCR 15358.

Emergency means 1) those conditions that will cause waste or loss of timber resources to the timber owner that may be minimized by immediate harvesting of infected, infested or damaged timber or salvaging down timber; 2) those conditions that obstruct or reduce effective emergency response operations; or 3) those conditions that will cause appreciable financial loss to the timber owner that may be minimized by immediate harvesting of timber.

1 **End-Hauling** means the removal and transportation of excavated material to
2 prevent sidecast.

3

4
5 **Amend 14 CCR § 1052 - Emergency Notice**

6 (a) Before cutting or removing timber on an emergency basis, an RPF on
7 behalf of a timber owner or operator shall submit a Notice of Emergency
8 Timber Operations to the Director, on form RM-67 (06/2007) ~~(9/99)~~, or form
9 RM-65 (1052.4) (1/1/06) for a Fuel Hazard Reduction emergency, as prescribed
10 by the Director. The notice shall include, but not be limited to, the
11 following:

12

13
14 **Adopt 14 CCR § 1052.1 - Emergency Conditions**

15 (f) trees that obscure the sight-line from the observation area of a
16 fire detection lookout maintained by a government agency (e.g. CAL FIRE or
17 USDA Forest Service fire lookouts).

1 Adopt 14 CCR § 1052.5 - Emergency Notice for Fire Lookouts

2 The RPF preparing the Notice of Emergency Timber Operations for Fire
3 Lookouts shall describe the nature of the emergency and the need for
4 immediate cutting and removal of trees in sufficient detail so that the
5 reason for the emergency is clear. Emergency timber operations shall only be
6 conducted in conformance with the following:

7 (a) The RPF shall consult with the affected government fire agency
8 official(s) prior to submission of the Emergency Notice to determine if
9 emergency conditions exist as defined in 14 CCR §§ 895.1 and 1052.1,
10 subsection (f), and to verify the necessity for tree removal.

11 (b) The RPF shall provide with the Emergency Notice: 1) a description
12 of the criteria used to designate trees to be harvested or the trees to be
13 retained; and 2) written verification from the affected agency of the
14 necessity for removal of each tree proposed to be removed.

15 (c) Live trees shall only be removed when necessary to abate emergency
16 conditions as defined in 14 CCR §§ 895.1 and 1052.1, subsection (f).

17 (d) All trees that are harvested or all trees that are retained shall
18 be marked by or under the supervision of the RPF before felling operations
19 begin.

20 (e) The conditions of 14 CCR § 1038, subsections (b)(1) through (10)
21 shall apply; or for operations in the Lake Tahoe Basin, (f)(1) through (14)
22 are applied.

23 (f) The RPF shall evaluate and incorporate habitat requirements in
24 accordance with 14 CCR § 919. Such evaluations shall include use of the
25 California Natural Diversity Database and local knowledge of the planning

1 watershed(s). Habitat requirements to be incorporated into the project may
2 include retention of large woody debris and vegetative screening for wildlife
3 cover.

4 (g) The RPF shall consider the visual and aesthetic qualities of the
5 area proposed for harvest, while at the same time addressing the emergency
6 condition and allowing orderly harvesting of timber resources within these
7 areas. Every reasonable effort shall be made by the RPF to use silvicultural
8 methods other than clearcutting to protect the scenic values in the area.

9 (h) Timber operations should not reduce the after harvest stocking
10 standards below the standards of the most closely associated silvicultural
11 method. The anticipated post-harvest stocking shall be provided with the
12 notice.

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15 Fire Lookout EM v4
16 June 6, 2007
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NOTICE OF EMERGENCY TIMBER OPERATIONS

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)
NOTICE OF EMERGENCY TIMBER OPERATIONS - RM-67 (06/2007)

FOR ADMIN. USE ONLY

EM. #

Date of Receipt

Date Accepted by CAL FIRE

Date Expires

**VALID FOR 120 DAYS FROM DATE ACCEPTED BY CAL FIRE.
OPERATIONS CANNOT COMMENCE FOR FIVE WORKING DAYS FROM DATE OF RECEIPT AND
A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE**

The Director of the Department of Forestry and Fire Protection is hereby notified of timber operations under the requirements of PRC § 4592 and 14 CCR §§ 1052 - 1052.3 and 1052.5 to remove timber on an emergency basis.

The Registered Professional Forester (RPF) should complete items 1 - 7 and shall sign the Declaration of Emergency on Page Two. The Timber Owner must sign the declaration of intent to pay the yield tax in item 1.

1. TIMBER OWNER(S) OF RECORD:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

TIMBER TAX NOTICE: The Timber Owner is responsible for payment of a yield tax and must complete the following declaration: ***I declare, under penalty of perjury, that any applicable timber yield taxes will be paid, pursuant to Section 38115 of the Revenue and Taxation Code*** (complete the signature below). **TIMBER TAX EXEMPTION:** Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from the timber yield tax: timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A, B, C, and D below. **For timber yield tax information or for assistance with these questions call 1-800-400-7115**, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, CA 94279-0060; or see the BOE Web Page on the Internet <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest in thousands of board feet (mbf - Net Scribner short log):
Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate the percentage of timber to be removed during this harvest:

Redwood _____%; Ponderosa pine/Sugar pine _____%; Douglas-fir _____%; Fir _____%;

Port-Orford Cedar _____%; Cedar (IC, WRC) _____%; Other, conifer _____%; Other, hardwood _____%.

C. Fuelwood over 150 cords? Yes _____ No _____. D. Christmas trees over 3,000 lineal feet? Yes _____ No _____.

SIGNATURE OF TIMBER OWNER: _____ **Date:** _____

2. TIMBERLAND OWNER(S) OF RECORD:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

3. LICENSED TIMBER OPERATOR(S):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

4. Describe the nature of the emergency and the need for immediate harvesting of trees. Include the specific conditions that constitute the emergency, its cause, extent and reason for the immediate commencement of timber operations. Attach additional pages if needed

5. Describe the harvesting method to be followed: _____

6. Provide the expected dates of commencement _____ and completion _____ of timber operations.

7. Designate the legal land description of the location of the timber operation. Attach a map of suitable scale showing the location of the timber operation, the logging area, roads and watercourses by class. It would be helpful to include a USGS 7 1/2 minute quadrangle or equivalent map, describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas.

Section	Township	Range	Base & Meridian	County	Logging Area Acreage (Estimated)	Assessors Parcel # (Optional)

The following are limitations or requirements for timber operations conducted under a Notice of Emergency Timber Operations (Notice, Notice of Emergency, or Emergency Notice):

1. This notice must be submitted to and received by CAL FIRE at one of the offices listed below. Timber operations may not commence for five working days after receipt by CAL FIRE unless the waiting period is waived by the Director.
2. 14 CCR §§ 895.1 and 1052.1 define and list emergency conditions. Citing or paraphrasing of these sections does not satisfy the requirements of 1052.2. The Registered Professional Forester (RPF) preparing the notice must accomplish the following to substantiate the emergency. Describe the nature of the emergency, and the need for immediate cutting in sufficient detail so the reason for the emergency is clear. When the emergency is classified as financial, the following questions must be answered: What is the reason the timber has previously been inoperable or unmerchantable? Why is the harvest opportunity not economically feasible for more than 120 days? Why do the operations have only minimal impact on timberland resources? The financial emergency described in 14 CCR § 1052.1 means financial loss of timber and not loss of profit. Financial loss requires a loss of timber resources.
3. Timber operations conducted under this notice must meet minimum stocking standards at the completion of operations. The timber operations shall also comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan", "THP", and "plan". The requirements to submit a completion and stocking report apply. 14 CCR § 1052 describes how exceptions to the rules for non-financial emergencies can be addressed. If this is a financial emergency, the conditions specified in 14 CCR § 1038 (b)(1) - (10) must be met.
4. The RPF preparing the emergency notice must sign the declaration of emergency and the timber owner must sign the declaration of intent to pay the Timber Yield Tax (ref. PRC § 4592).
5. This Notice of Emergency is valid for 120 days from the date accepted by CAL FIRE. If timber operations are to extend beyond the 120 day period, such operations must be described in an approved Timber Harvesting Plan. If there is any doubt that a timber operation will not be completed in 120 days, a THP should be submitted to CAL FIRE early during the 120 day operating period.
6. A timber operator with a valid State License must be designated upon submission of this notice.

The following suggestions may help ensure your compliance with the Forest Practice Rules:

1. Timber owners, timberland owners and timber operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
2. Contact the nearest CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE NEAREST CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATIONS WILL OCCUR:

Humboldt, Del Norte, Mendocino, Sonoma, Marin, Lake, Napa, Colusa, Solano, Alameda, San Mateo, Santa Cruz, Santa Clara, Contra Costa, and western Trinity Counties.	=> 135 Ridgway Avenue => Santa Rosa, CA 95401
Siskiyou, Modoc, Shasta, eastern Trinity, Lassen, Tehama, Glenn, Butte, Sutter, Plumas, Yuba, Sierra, Nevada, and Placer Counties.	=> 6105 Airport Road => Redding, CA 96002
El Dorado, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kern, Stanislaus, San Benito, Monterey, King, San Joaquin and Sacramento Counties.	=> 1234 East Shaw Avenue => Fresno, CA 93710
Ventura, Los Angeles, San Bernardino, Orange, Riverside, Inyo, Mono, San Diego and Imperial Counties.	=> 2524 Mulberry Street => Riverside, CA 92501

I declare, under penalty of perjury, that an emergency exists requiring immediate timber harvesting activities within the meaning of 14 CCR §§ 895.1 and 1052.1:

RPF Signature: _____ Lic. No. _____ Date: _____

RPF Printed Name: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

State Board of Forestry and Fire Protection

**Findings Pursuant to Government Code Section 11346.1(b) in Support of
Adoption of Emergency Rules to Implement**

**Emergency Notice for Maintenance of Fire Lookouts and Emergency
Communication Facilities - 2007**

Public Notice Date: June 19, 2007

Proposed OAL Filing Date: June 27, 2007

The California State Board of Forestry and Fire Protection (Board) is promulgating an emergency regulation necessary to amend regulations under the Forest Practice Rules (FPR) Title 14, Chapter 4, 5 and 6. The proposed emergency rule establishes a new Emergency Condition under 14 CCR 1052.4 (f). The proposed Emergency Condition declares that trees that obscure the line of sight of lookout towers may be removed when an Emergency Notice is filed with the California Department of Forestry and Fire Protection (CAL FIRE). This action is being taken in accordance with Government Code 11346.1 and 11349.6 of the Administrative Procedures Act.

The proposed emergency regulation amends the following regulations in Title 14 Chapter 4, 5 and 6 of the Forest Practice Rules:

- § 895 Abbreviations Applicable Throughout Chapter**
- § 895.1 Definitions**
- § 1052 Emergency Notice**
- § 1052.1 Emergency Conditions**
- § 1052.5 Emergency Notice for Fire Lookouts and Emergency Communication
Facilities**

Information on this emergency regulation may be requested by mail and should be addressed to

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Tel: (916) 653-9418

Information requests can also be hand couriered or delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Information requests may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Information requests may also be sent via e-mail at the following address:

board.public.comments@fire.ca.gov

I. Finding of Emergency

The Board finds that CAL FIRE maintains a system of wildland fire detection that relies on lookout towers during serious fire season conditions such as the conditions anticipated this year, and during periods of extreme fire weather. These lookouts are essential for detection of wildfires in the surrounding communities.

The Board finds that lookouts towers, like all other elements of CAL FIRE's emergency response infrastructure, need to be protected and maintained for the detection of wildfires in the surrounding communities.

The Board finds CAL FIRE's Siskiyou Unit (SKU) requires commercial trees be removed from an industrial ownership adjacent to the Quartz Hill Fire Lookout to improve the view for fire detection. The removal is essential to maintaining a full view of the area and "line-of-sight" for the lookout. Trees need to be removed immediately to provide adequate visual clearance for wildland fire detection this fire season.

The Board finds there is an emergency situation present with action needed for immediate preservation of the public peace, health and safety, and the general welfare. The concern is the inability of the forest lookout tower to adequately operate to spot fires and provide fire prevention. The use of the lookout tower is impeded by the growth of the trees and removal of these trees is necessary to restore the lookout function. This action is intended to address the specific circumstances at CAL FIRE's Siskiyou Unit (SKU) Quartz Hill Fire Lookout.

II. Authority and Reference

Public Resources Code (PRC) 4551 authorizes the Board to adopt rules and regulation as it determines are reasonably necessary to enable, implement, interpret or make specific PRC 4592.

III. Informative Digest/Background

The proposed regulation establishes a new Emergency Conditions, pursuant to PRC 4592, to permit the immediate removal of trees obstructing the line-of-sight of certain fire lookout

towers without requiring a Timber Harvesting Plan (THP). This Emergency Condition allows the applicant to file an Emergency Notice (instead of a THP) for the immediate removal of the commercial trees. The new Emergency Condition is entitled in 14 CCR 1052.1 and the requirements for implementing the harvesting are entitled in 14 CCR 1052.5. The proposed regulation also includes a new abbreviation, definition, and Emergency Notice form for purposes of clarity, enforceability and brevity.

CAL FIRE maintains a system of wildland fire detection that relies on lookouts during serious fire season conditions such as the conditions anticipated this year, and during periods of extreme fire weather. There are approximately 40 lookouts located in 11 of the CAL FIRE Units, primarily in the northern part of the State. The lookouts may only be staffed during peak fire season or during periods of high fire danger. These lookouts, like all other elements of CAL FIRE's emergency response infrastructure need to be protected and maintained for the detection of wildfires in the surrounding communities. Many CAL FIRE lookouts were initially sited and constructed in the 1930's and 1940's, at which time all the trees blocking the view were removed. Currently, (70 to 80 years later) trees have been reestablished on sites surrounding some of the lookouts, resulting in an impediment to effective detection. CAL FIRE has maintained the trees on the State-owned property the lookouts are on, but cannot remove the trees on adjacent ownerships blocking the line-of-sight or otherwise treat the trees to reduce the visual impediment.

CAL FIRE's Siskiyou Unit (SKU) requires that commercial trees be removed from an industrial ownership adjacent to the Quartz Hill Fire Lookout to improve the view for fire detection. The goal of the project is to protect the lookout and maintain the fire defense infrastructure for the detection of wildfires in the surrounding communities. A portion of the area around the lookout is owned by CAL FIRE and is maintained to permit full view of the area within "line-of-sight" through CAL FIRE's parcel. However, a portion of the area around the lookout is owned by a pension investment group named Timber Vest, which is managed by Mason, Bruce, and Girrard (MBG). MBG has two to three acres within 500 feet of the lookout that has trees partially blocking the view to the north. CAL FIRE requires the removal of the overstory trees (< 24" diameter breast height) in addition to complete slash clean-up and other fuels treatment around the lookout to protect the structure. MBG does not plan on having a THP submitted for that property for at least three to four years, but SKU requires that the trees be removed immediately to provide adequate visual clearance for wildland fire detection this fire season.

CAL FIRE anticipates additional lookouts will need similar maintenance in the future and will explore potential long-term solutions through the regular rulemaking process under the Board of Forestry and Fire Protection's authority; however, the situation that has been identified above requires immediate action to address concerns for this fire season. In the future MBG will maintain this area under THPs, wherein they will remove trees around the lookout that are getting tall enough to block the view.

V. Disclosures Regarding the Proposed Action

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: No direct savings identified although long term fire suppression costs and loss to public trust natural resources may be reduced by an unestimated amount. The regulation also could result in unknown, potentially significant, General Fund cost avoidance by reducing forest fire risk and making it easier for CDF to contain fires while they are small; thereby preventing large conflagrations. CDF annually spends more than \$400 million from the General Fund on fire protection and suppression.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC §17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

File: OAL Emergency Finding 6_14_07

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (Rev. 2-98)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME Forestry and Fire Protection	CONTACT PERSON Christopher Zimny	TELEPHONE NUMBER (916) 653 9418
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Emergency Notice for Maintenance of Fire Lookouts and Emergency Communication Facilities -		NOTICE FILE NUMBER Z

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|---|--|
| <input type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance standards |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) _____

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: n/a Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☐ Statewide ☒ Local or regional (list areas): Fire Lookout and communcitons towers on forest lands.5. Enter the number of jobs created: n/a or eliminated: n/a Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes☒ No

If yes, explain briefly: _____

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ n/a

- | | | |
|--|-------------------------------------|----------------------------|
| a. Initial costs for a small business: \$ <u>n/a</u> | Annual ongoing costs: \$ <u>n/a</u> | Years: Duration of statute |
| b. Initial costs for a typical business: \$ <u>n/a</u> | Annual ongoing costs: \$ <u>n/a</u> | Years: Duration of statute |
| c. Initial costs for an individual: \$ <u>n/a</u> | Annual ongoing costs: \$ <u>n/a</u> | Years: Duration of statute |
| d. Describe other economic costs that may occur: <u>Costs related to project initiation for RPF preparation is likely to be offset by revenues derived from sale of products from the fuel hazard reduction.</u> | | |

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

2. If multiple industries are impacted, enter the share of total costs for each industry: _____
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *(Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.):* \$ _____
4. Will this regulation directly impact housing costs? ☐ Yes ☒ No If yes, enter the annual dollar cost per housing unit: \$ _____ and the number of units: _____
5. Are there comparable Federal regulations? ☐ Yes ☒ No Explain the need for State regulation given the existence or absence of Federal regulations: _____
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *(Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit: Fire prevention minimizes the losses from wildfire to human life, health, human assets, and natural resources. Landowners in the area specified in the geographic scope of the regulation.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: Benefits derived from BOF's statutory authorization to define "emergencies" and subsequent goals to mitigate the conditi
3. What are the total statewide benefits from this regulation over its lifetime? \$ unknown

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____
Several alternatives were consider. Refer to the rule making file or on-line documents at the BOF web site for description.
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:
- | | | |
|----------------|----------------------------|----------------------|
| Regulation: | Benefit: \$ <u>unknown</u> | Cost: \$ <u>n/a</u> |
| Alternative 1: | Benefit: \$ <u>unknown</u> | Cost: \$ <u>n/a.</u> |
| Alternative 2: | Benefit: \$ <u>unknown</u> | Cost: \$ <u>n/a</u> |
3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____
All considered alternatives were determined to provide less immdiate protection, cost /benefit effectiveness, environmental protection, or regulatory compliance sufficiency.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☒ Yes ☐ No
Explain: Methods for removing obstruction trees can be acheived in several differnt manners providing flexibility.

E. MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking record.)*
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million ? ☐ Yes No *(If No, skip the rest of this section)*
2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
- Alternative 1: _____
- Alternative 2: _____
3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
- | | | |
|----------------|----------|---------------------------------|
| Regulation: | \$ _____ | Cost-effectiveness ratio: _____ |
| Alternative 1: | \$ _____ | Cost-effectiveness ratio: _____ |
| Alternative 2: | \$ _____ | Cost-effectiveness ratio: _____ |

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)*

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
- ☐ a. is provided in (Item _____, Budget Act of _____) or (Chapter _____, Statutes of _____)
- ☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)
- ☐ 2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
- ☐ a. implements the Federal mandate contained in _____
- ☐ b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____
- ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)
- ☐ d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;
- ☐ e. will be fully financed from the _____ authorized by Section _____
(FEES, REVENUE, ETC.)
_____ of the _____ Code;
- ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.
- ☐ 3. Savings of approximately \$ _____ annually.
- ☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

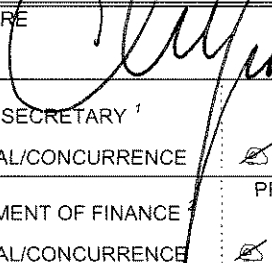


- ☒ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☐ 4. Other.

SIGNATURE 		TITLE
6/15/07		Regulations Coordinator
AGENCY SECRETARY ¹		DATE
APPROVAL/CONCURRENCE 	PROGRAM BUDGET MANAGER	DATE
DEPARTMENT OF FINANCE		
APPROVAL/CONCURRENCE 		

1. The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
2. Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.